<u>REMARKS</u>

Claims 1-15 are pending in the application.

The Claims have been amended herein to clarify the grammatical content. Claim 16 has been newly added and is based on the original specification. No new matter is entered.

<u>35 U.S.C. 101 Rejections</u>

The Office Action rejects claims 1-15 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Office Action alleges claims 1-11 fall under the judicial exception as being an abstract idea which lacks a useful, concrete and tangible result.

Applicant respectfully submits that the method of claims 1-11 does not fall within a judicial expectation since the claim is directed to a method including a series of steps which comprise more than an abstract idea. The features of receiving, matching and recommending, as specifically recited in claim 1, are clearly not simply directed to a mathematical algorithm, natural phenomena, or laws of nature.

The method of claim 1 recites matching, which results in matched information which is recommended to a user according to predetermined conditions. These steps are not simply an abstract idea but an application of features, which transforms and recommends information to a user. These features are more than an abstract idea and, when the claims are analyzed in totality they do not fall under the judicial exception.

Furthermore, even if, for argument sake, the claims would fall under a judicial exception, the claimed features clearly recite a useful, concrete and tangible result. The claimed invention recommends the matched information to a user according to predetermined conditions, which is a useful, concrete and tangible result.

The Office further alleges that claims 12-15 lack the necessary physical articles or objects to constitute a machine or a manufacture. Applicant respectfully disagrees and points out that it is unclear whether the Office is alleging the claims are directed to functional descriptive material or nonfunctional descriptive material. However, applicant essentially repeats the above arguments pointing out that claims 12-15 are directed to a system and are statutory under 35 U.S.C 101.

For at least the foregoing reasons, it is respectfully requested the rejection under 35 U.S.C. 101 be withdrawn.

35 U.S.C. 103 Rejections

Claims 1-15 stand rejected under 35 U.S.C. 103(a) over Mancisidor et al. (US 20020116243) (hereinafter "Mancisidor") in view of Schaffer et al. (US 20020108113) (hereinafter "Schaffer"). Applicant respectfully traverses these rejections for at least the following reasons.

Claim 1

Claim 1 recites: "matching said received information with a <u>fuzzy user file</u> which includes a <u>user's selecting characteristic</u> by inference of <u>fuzzy logic</u>" (emphasis added).

It is admitted on page 4 of the Office Action that Mancisidor does not explicitly disclose how the user information is matched using fuzzy logic to make recommendations. The Office alleges Schaffer teaches the claimed features in paragraph 27.

However, Schaffer teaches that the term "fuzzy-now" refers to a function, or a contribution to a function, that approximates the <u>current time</u> (see paragraph 26 of Schaffer). Schaffer goes on to teach that the function may be based on current time, and two or more of: start time of a real-time event, end-time of the real-time event, and duration of the real-time content event.

Thus, Schaffer does not teach the claimed matching the received information with a <u>fuzzy user file</u> which includes a <u>user's selecting characteristic</u> by inference of fuzzy logic, because the "fuzzy-now" in Schaffer is completely different and relates to a function based on time elements, which is different from applicant's claimed features.

Claims 2-11

Claims 2-11 depend upon claim 1 and inherit the above distinguishing features as recited in claims 1. Additionally, each dependent claim includes further distinguishing features not found in the combination of references. For example, claim 3 includes a features of judging the user's actual interest-degree according to a relative ratio of an amount of time in which the user watches the recommended information to

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an amount of time in which said recommended information is actually broadcast, thereby updating the user's parameters.

The Office Action points to Mancisidor paragraphs 36-40 as teaching the features of claim 3. However, a review of both Mancisidor and Schaffer fails to find any suggestion of these features. Even if the combination would suggest updating of a user preference file, there is no teaching of judging the user's actual interest-degree according to the claimed features.

Similarly claim 4 recites a ternary array, which the Office Action admits is not found in Mancisidor and points to paragraph 27, figure 6 of Schaffer. However, a review of both Mancisidor and Schaffer fails to find a teaching of at least this feature of the ternary array. Figure 6 of Schaffer shows a "fuzzy-now" step function as described in paragraphs 33-34. Again the "fuzzy-now" is based on time and figure 6 shows a step function using "fuzzy-now."

Thus, it is respectfully submitted that dependent claims 2-11 are also allowable at least by virtue of their dependency from claim 1 and because each claim further recites distinguishing features.

Claim 12

Claim 12 recites a "fuzzy matching means for matching the received information with a fuzzy user file which includes the user's selecting characteristic by inference of fuzzy logic."

The analysis of independent claim 12, which is directed to a system, is substantially analogous to the analysis of claim 1, as presented hereinabove. To avoid repetition, claim 12 will not be discussed in detail with the understanding that it is patentable at least for the same reasons as claim 1. Applicant, therefore, respectfully submits that the rejection of claim 12 should be withdrawn.

Claims 13-15

Claims 13-15 depend upon claim 12 and inherit the above distinguishing features recited in claim 12. Additionally, each dependent claim includes further distinguishing features not found in the combination of references. Therefore, it is respectfully submitted that dependent claims 13-15 are also allowable at least by virtue of their

dependency from claim 12 and because each claim further recites distinguishing features not found in the combination of references.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are solicited. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues. In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,

/Brian S. Myers/

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